UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,565	09/15/1999	JIN LU	PHA-23.775	7621

24737 7590 11/17/2004		EXAMINER
PHILIPS INTELLECTUAL PROPERTY & STANDARDS		MAHMOUDI, HASSAN
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ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- · If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's Request for Continued Examination (RCE)

submission filed on 31-August-2004 has been entered. In addition, the "After Final"

amendment filed on 06-July-2004 has been entered for the continued examination of this

application.

Remarks

2. In response to communications filed on 06-July-2004, independent claims 1, 12, and 23-25

are amended per applicant's request. Claims 1-25 are presently pending in the application.

Claim Objection

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original

numbering of the claims to be preserved throughout the prosecution. In the amendment filed

on 06-July-2004, there are two claims with numeral id "2". The claims need to be numbered

1-25 as filed originally. Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that said subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (U.S.

Patent No. 5,949,492) in view of Zuppicich (U.S. Patent No. 6,698,654.)

As to claim 1, Mankovitz teaches an apparatus for use in conjunction with a host device

having a receptacle associated therewith (see Abstract), the apparatus comprising:

a removable card adaptable for insertion into the receptacle of the host device (see

column 15, lines 63-67, and see figure 69), the removable card including processor (see

figure 69) for running at least one application (see column 44, lines 53-66), and wherein an

agent program is downloadable from the removable card to the host device (see column 45,

lines 3-28), such that the agent program runs on a processor of the hose device and controls

communication between the application running on the processor of the removable card and

an application running on the processor of the host device (see column 46, line 59 through

column 47, line 7.)

Mankovitz does not teach an application that is separate from an application of the host

device.

Zuppicich teaches a method of interfacing with data storage card (see Abstract), in which

he teaches the removable card including processor (see figure 6, and see column 4, lines 52-

53, where "a removable card including processor" is read on "smart card") for running at

least one application that is separate from an application of the host device (see column 16,

lines 61 through column 17, line 8.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Mankovitz to include an application that is

independent of the host device.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Mankovitz by the teaching of Zuppicich, because

including an application that is independent of the host device, would permit the host

processor to be dynamically reconfigured for the application(s) represented by the data

streams in a manner which is totally independent of conventional operating systems, where

one of several applications contained in the removable card (smart card) can interface with

different applications on the host device, as taught by Zuppicich (see column 16, lines 61

through column 17, line 8.)

As to claims 2 and 13, Mankovitz as modified teaches wherein the processor of the

removable card runs a plurality of applications, and further wherein a plurality of agent

programs are downloaded to the host device, one for each of the applications running on the

processor of the removable card (see Mankovitz, column 3, lines 58-63.)

As to claims 3 and 14, Mankovitz as modified teaches wherein the processor of the removable card runs a plurality of applications (see Mankovitz, column 3, lines 58-63), and the agent program controls communication between two or more of the applications and at least one application running on the processor of the host device (see Mankovitz, column 46, line 59 through column 47, line 7.)

As to claims 4 and 15, Mankovitz as modified teaches wherein the agent program interacts with an application programming interface (API) of the host device (see Mankovitz, column 28, lines 13-48.)

As to claims 5 and 16, Mankovitz as modified teaches wherein the agent program controls communication between the application running on the processor of the removable card and each of a plurality of applications running on the processor of the host device (see Mankovitz, column 46, line 59 through column 47, line 7.)

As to claims 6 and 17, Mankovitz as modified teaches wherein communications between the agent program and the application running on the removable card are at least partially encrypted (see Mankovitz, column 18, lines 37-65, and see column 24, lines 22-31, where "encrypted" is read on "encoded".)

As to claims 7 and 18, Mankovitz as modified teaches wherein after insertion of the removable card into the receptacle of the host device, a command channel and a data channel

are created between the removable card and the host device (see <u>Mankovitz</u>, column 50, lines

9-21.)

As to claims 8 and 19, <u>Mankovitz</u> as modified teaches wherein the processor of the host

device runs an agent manager program which receives a message from the application

running on the processor of the removable card, the message identifying a particular agent

program to be downloaded (see <u>Mankovitz</u>, column 13, lines 49-59), and in response to the

message downloads the agent program from a memory of the removable card via the data

channel (see <u>Mankovitz</u>, column 15, lines 14-22.)

As to claims 9 and 20, <u>Mankovitz</u> as modified teaches wherein the agent program after

being downloaded to the host device sends a message (see <u>Mankovitz</u>, column 9, lines 58-61)

to the application running on the processor of the removable card via the command channel,

the message indicating that the agent program is ready to control communication between the

application running on the processor of the removable card and the application running on

the processor of the host device (see <u>Mankovitz</u>, column 16, lines 42-44.)

As to claims 10 and 21, <u>Mankovitz</u> as modified teaches wherein the host device

comprises a digital television receiver (see <u>Mankovitz</u>, column 11, lines 1-12, where

"receiver" is read on "tuner"), and the application running on the processor of the removable

card includes a processing operation for a transport stream (see <u>Mankovitz</u>, column 8, lines

25-53.)

As to claims 11 and 22, <u>Mankovitz</u> as modified teaches wherein the processing operation

comprises a decryption operation (see <u>Mankovitz</u>, column 13, lines 56-59, where

"decryption" is read on "decoded".)

As to claim 12, <u>Mankovitz</u> teaches a method for use in conjunction with a host device

having a receptacle associated therewith (see Abstract), the method comprising the step of:

adapting a removable card for insertion into the receptacle of the host device (see column

15, lines 63-67, and see figure 69), the removable card including a processor (see figure 69)

for running at least one application (see column 44, lines 53-66), and wherein an agent

program is downloadable from the removable card to the host device (see column 45, lines 3-

28), such that the agent program runs on a processor of the host device and controls

communication between the application running on the processor of the removable card and

an application running on the processor of the host device (see column 46, line 59 through

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Therefore, it would have been obvious to a person having ordinary skill in the art at the

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independent of the host device.

It would have been obvious to a person having ordinary skill in the art at the time the

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including an application that is independent of the host device, would permit the host

processor to be dynamically reconfigured for the application(s) represented by the data

streams in a manner which is totally independent of conventional operating systems, where

one of several applications contained in the removable card (smart card) can interface with

different applications on the host device, as taught by Zuppicich (see column 16, lines 61

through column 17, line 8.)

As to claim 23, Mankovitz teaches an article of manufacture comprising a

machine-readable storage medium containing one or more software programs (see column 8,

lines 54-64) which when executed implement (for the remaining steps of this claim, the

applicant is kindly directed to remarks and discussions made in claims 1 and 12 above.)

As to claim 24, Mankovitz teaches an apparatus for use in conjunction with a removable

card (see Abstract), the apparatus comprising (for the remaining steps of this claim, the

applicant is kindly directed to remarks and discussions made in claim 1 above.)

As to claim 25, <u>Mankovitz</u> teaches a method for use in conjunction with a removable card

(see Abstract), the method comprising (for the remaining steps of this claim, the applicant is

kindly directed to remarks and discussions made in claim 12 above.)

Response to Arguments

6. Applicant's arguments filed on 06-July-2004 with respect to the rejected claims in view of

the cited references have been fully considered but they are considered moot in view of the

new grounds of rejection.

Conclusion

7. Any inquiries concerning this communication or earlier communications from the examiner

should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The

examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici, can be reached at (571) 272-4083.

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November 8, 2004

**SAM RIMELL
PRIMARY EXAMINER**